

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2070

To improve safety standards for child restraints in motor vehicles.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2000

Mr. FITZGERALD (for himself and Mrs. LINCOLN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 20, 2000

Reported by Mr. MCCAIN, with an amendment in the nature of a substitute

[Strike all after the enacting clause and insert the part printed in italic]

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## A BILL

To improve safety standards for child restraints in motor vehicles.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Child Passenger Pro-  
5 tection Act of 2000".

6 **SEC. 2. FINDINGS.**

7 Congress finds that

1           (1) each day, an average of 7 children are killed  
2           and 866 injured in motor vehicle crashes;

3           ~~(2)~~ certain standards and testing procedures for  
4           child restraints in the United States are not as rig-  
5           orous as those in some other countries;

6           ~~(3)~~ although the Federal Government estab-  
7           lishes safety standards for child restraints, the Fed-  
8           eral Government ~~D~~

9                   (A) permits companies that manufacture  
10           child restraints to conduct their own tests for  
11           compliance with the safety standards and inter-  
12           pret the results of those tests, but does not re-  
13           quire that the manufacturers make the results  
14           of the tests public;

15                   (B) has not updated test standards for  
16           child restraints ~~D~~

17                           (i) to reflect the modern designs of  
18           motor vehicles in use as of the date of en-  
19           actment of this Act;

20                           (ii) to take into account the effects of  
21           a side-impact crash, a rear-impact crash,  
22           or a rollover crash; and

23                           (iii) to require the use of  
24           anthropomorphic devices that accurately  
25           reflect the heights and masses of children

1 at ages other than newborn, 9 months, 3  
2 years, and 6 years; and

3 ~~(C)~~ has not issued motor vehicle safety  
4 standards that adequately protect children up  
5 to the age of 12 who weigh more than 50  
6 pounds; and

7 ~~(4)~~ the Federal Government should update the  
8 test standards for child restraints to reduce the  
9 number of children killed or injured in automobile  
10 accidents in the United States.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 ~~(1) CHILD RESTRAINT.~~ The term "child re-  
14 straint" has the meaning given the term "child re-  
15 straint system" in section 571.213 of title 49, Code  
16 of Federal Regulations (as in effect on the date of  
17 enactment of this Act).

18 ~~(2) SECRETARY.~~ The term "Secretary" means  
19 the Secretary of Transportation.

20 **SEC. 4. TESTING OF CHILD RESTRAINTS.**

21 ~~(a) IN GENERAL.~~ Not later than 2 years after the  
22 date of enactment of this Act, the Secretary shall update  
23 and improve crash test standards and conditions for child  
24 restraints.

1       ~~(b) ELEMENTS FOR CONSIDERATION.~~In carrying  
2 out subsection (a), the Secretary shall consider~~D~~

3           ~~(1) whether to conduct more comprehensive and~~  
4       dynamic testing of child restraints than is typically  
5       conducted as of the date of enactment of this Act,  
6       including the use of test platforms designed~~D~~

7           ~~(A) to simulate an array of accident condi-~~  
8       tions, such as side-impact crashes, rear-impact  
9       crashes, and rollover crashes; and

10          ~~(B) to reflect the designs of passenger~~  
11       motor vehicles in use as of the date of enact-  
12       ment of this Act;

13          ~~(2) whether to use an increased number of~~  
14       anthropomorphic devices in a greater variety of  
15       heights and masses; and

16          ~~(3) whether to provide improved protection in~~  
17       motor vehicle accidents for children up to 59.2  
18       inches tall who weigh more than 50 pounds.

19       ~~(c) REQUIRED ELEMENTS.~~In carrying out sub-  
20 section (a), the Secretary shall~~D~~

21           ~~(1) require that manufacturers design child re-~~  
22       straints to minimize head injuries during side-impact  
23       and rollover crashes, including requiring that child  
24       restraints have side-impact protection;

- 1           (2) include a child restraint in each vehicle
- 2           crash-tested under the New Car Assessment Pro-
- 3           gram of the Department of Transportation; and
- 4           (3) prescribe readily understandable text for
- any labels that —

1       *suffer incapacitating injuries, in motor vehicle crash-*  
2       *es;*

3           *(2) although child restraint systems are used to*  
4       *protect young children in crashes, child restraints are*  
5       *not subjected to dynamic testing in various crash*  
6       *modes;*

7           *(3) Federal standards and regulations do not ad-*  
8       *dress the safety needs of children over the age of four*  
9       *who weigh more than 50 pounds;*

10          *(4) vehicle 3-point lap and shoulder belt systems*  
11       *designed to fit adults do not afford optimal safety*  
12       *protection for children;*

13          *(5) there are no Federal requirements for booster*  
14       *seats and consequently booster seat use rates are ex-*  
15       *tremely low;*

16          *(6) there is a lack of useful consumer informa-*  
17       *tion regarding child restraints to assist parents in*  
18       *making appropriate safety decisions and child re-*  
19       *straint selections for their children.*

20        *(b) PURPOSE.—The purpose of this Act is to enhance*  
21       *the safety of children in motor vehicles by encouraging im-*  
22       *proved child restraint safety performance standards and*  
23       *testing requirements and providing parents with better con-*  
24       *sumer information and labelling for child restraints.*

1 **SEC. 3. IMPROVING THE SAFETY OF CHILD RESTRAINTS.**

2 (a) *IN GENERAL.*—Not later than 12 months after the  
3 date of enactment of this Act, the Secretary of Transpor-  
4 tation shall initiate a rulemaking for the purpose of im-  
5 proving the safety of child restraints, including minimizing  
6 head injuries from side impact collisions.

7 (b) *ELEMENTS FOR CONSIDERATION.*—In the rule-  
8 making required by subsection (a), the Secretary shall  
9 consider—

10 (1) *whether to require more comprehensive tests*  
11 *for child restraints than the current Federal motor ve-*  
12 *hicle safety standards requires, including the use of*  
13 *dynamic tests that—*

14 (A) *replicate an array of crash conditions,*  
15 *such as side-impact crashes, and rear-impact*  
16 *crashes; and*

17 (B) *reflect the designs of passenger motor*  
18 *vehicles as of the date of enactment of this Act;*

19 (2) *whether to require the use of*  
20 *anthropomorphic test devices that—*

21 (A) *represent a greater range of sizes of*  
22 *children including the need to require the use of*  
23 *an anthropomorphic test device that is represent-*  
24 *ative of a ten-year-old child; and*

25 (B) *are Hybrid III anthropomorphic test*  
26 *devices;*

1           (3) *whether to require improved protection from*  
2           *head injuries in side-impact and rear-impact crashes;*

3           (4) *how to provide consumer information on the*  
4           *physical compatibility of child restraints and vehicle*  
5           *seats on a model-by-model basis;*

6           (5) *whether to prescribe clearer and simpler la-*  
7           *bels and instructions required to be placed on child*  
8           *restraints;*

9           (6) *whether to amend Federal Motor Vehicle*  
10          *Safety Standard No. 213 (49 C.F.R. 571.213) to cover*  
11          *restraints for children weighing up to 80 pounds;*

12          (7) *whether to establish booster seat performance*  
13          *and structural integrity requirements to be dynami-*  
14          *cally tested in 3-point lap and shoulder belts;*

15          (8) *whether to apply scaled injury criteria per-*  
16          *formance levels, including neck injury, developed for*  
17          *Federal Motor Vehicle Safety Standard No. 208 to*  
18          *child restraints and booster seats covered by in Fed-*  
19          *eral Motor Vehicle Safety Standard No. 213; and*

20          (9) *whether to include child restraint in each ve-*  
21          *hicle crash tested under the New Car Assessment Pro-*  
22          *gram.*

23          (c) *REPORT TO CONGRESS.—If the Secretary does not*  
24          *incorporate any element described in subsection (b) in the*  
25          *final rule, the Secretary shall explain, in a report to the*



1 *Senate Committee on Commerce, Science, and Transpor-*  
2 *tation and the House of Representatives Committee on*  
3 *Commerce submitted within 30 days after issuing the final*  
4 *rule, specifically why the Secretary did not incorporate any*  
5 *such element in the final rule.*

6       (d) *HARMONIZATION WITH INTERNATIONAL SAFETY*  
7 *STANDARDS.—Any modification or adoption of a Federal*  
8 *Motor Vehicle Safety Standard as a result of the rulemaking*  
9 *initiated under subsection (a), shall incorporate, to the ex-*  
10 *tent possible, provisions harmonizing the modified or new*  
11 *standard with international standards and test procedures*  
12 *for child restraints where the Secretary has determined that*  
13 *there will be a safety benefit to children. Nothing in this*  
14 *paragraph shall require the Secretary to modify the child*  
15 *restraint final rule issued in May, 2000, solely for the pur-*  
16 *pose of achieving greater international harmonization.*

17       (d) *COMPLETION.—Notwithstanding any other provi-*  
18 *sion of law, the Secretary shall complete the rulemaking re-*  
19 *quired by subsection (a) not later than 24 months after the*  
20 *date of enactment of this Act.*

21       (e) *CHILD RESTRAINT DEFINED.—In this Act, the*  
22 *term “child restraint” has the meaning given the term*  
23 *“Child restraint system” in section 571.213 of title 49, Code*  
24 *of Federal Regulations (as in effect on the date of enactment*  
25 *of this Act).*

1 **SEC.3. CHILD RESTRAINT SAFETY RATINGS PROGRAM.**

2 *No later than 12 months after the date of enactment*  
3 *of this Act, the Secretary of Transportation shall issue a*  
4 *notice of proposed rulemaking to establish a child restraint*  
5 *safety rating consumer information program to provide*  
6 *practicable, readily understandable, and timely informa-*  
7 *tion to consumers for use in making informed decisions in*  
8 *the purchase of child restraints. No later than 24 months*  
9 *after the date of enactment of this Act the Secretary shall*  
10 *issue a final rule establishing a child restraint safety rating*  
11 *program and providing other consumer information which*  
12 *the Secretary determines would be useful consumers who*  
13 *purchase child restraint systems.*

14 **SEC. 4. BOOSTER SEAT STUDY.**

15 *In addition to consideration of booster seat perform-*  
16 *ance and structural integrity contained in section 3(b)(7),*  
17 *not later than 12 months after the date of enactment of this*  
18 *Act, the Secretary of Transportation shall initiate and com-*  
19 *plete a study, taking into account the views of the public,*  
20 *on the use and effectiveness of automobile booster seats for*  
21 *children, compiling information on the advantages and dis-*  
22 *advantages of using booster seats and determining the bene-*  
23 *fits, if any, to children from use of booster with lap and*  
24 *shoulder belts compared to children using lap and shoulder*  
25 *belts alone, and submit a report on the results of that study*  
26 *to the Congress.*

1 **SEC. 6. BOOSTER SEAT EDUCATION PROGRAM.**

2       *The Secretary of Transportation within 1 year after*  
3 *the date of enactment of this Act shall develop 5 year stra-*  
4 *tegic plan to reduce deaths and injuries caused by failure*  
5 *to use the appropriate booster seat in the 4 to 8 year old*  
6 *age group by 25 percent.*

7 **SEC. 7. AUTHORIZATIONS OF APPROPRIATIONS.**

8       *There are authorized to be appropriated to the Sec-*  
9 *retary of Transportation \$1,000,000 for the National High-*  
10 *way Traffic Safety Administration to carry out measures*  
11 *to improve child passenger safety under this Act in each*  
12 *of fiscal years 2001 through 2003.*

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